

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:11cv317

NANCY H. SIZEMORE,

Plaintiff,

vs.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

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ORDER

THIS MATTER is before the Court on the Plaintiff's Motion for Summary Judgment [Doc. 6] and the Defendant's Motion for Summary Judgment [Doc. 7].

Pursuant to 28 U.S.C. § 636(b) and the Standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell was designated to consider these motions and to submit recommendations for their disposition.

On October 5, 2012, the Magistrate Judge filed a Memorandum and Recommendation in which he recommended denying the Plaintiff's motion and granting that of the Defendant. [Doc. 10]. The parties were advised that any objections to the Magistrate Judge's conclusions and recommendations

were to be filed in writing within fourteen days of service of the Recommendation and that failure to file objections to the Memorandum and Recommendation would preclude the parties from raising any objection on appeal. [Id., at 17]. The period within which to file objections expired on October 22, 2012 and no written objections to the Memorandum and Recommendation have been filed by either party.

Having conducted a careful review, the Court concludes that the Magistrate Judge's recommendation is supported by the record and the law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation.

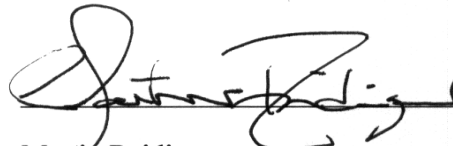
ORDER

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Summary Judgment [Doc. 6] is hereby **DENIED**.

IT IS FURTHER ORDERED that the Defendant's Motion for Summary Judgment [Doc. 7] is hereby **GRANTED**.

The Clerk of Court is instructed to enter Judgment simultaneously herewith.

Signed: October 26, 2012


Martin Reidinger
United States District Judge

